

UNITED STATES DISTRICT COURT

for the
District of ArizonaDCA
10/14/17
United States of America)

v.)

David Del Carpio Martinez,
a.k.a.: David Del Carpio-Martinez,
a.k.a.: David Del Carpio MTZ,
(A205 068 050)

Case No. 17-7499MJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 14, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2) a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CER

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Margaret Perlmer

☒ Continued on the attached sheet.


Complainant's signature
Darrin J. McNeill,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: October 16, 2017


Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge
Printed name and title

ATTACHMENT A

Count 1

On October 14, 2017, David Del Carpio Martinez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 25, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On October 14, 2017, at or near Phoenix, in the District of Arizona, David Del Carpio Martinez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 14, 2017, the Phoenix Police Department (PPD) encountered David Del Carpio Martinez during an investigation for vehicular manslaughter, in Phoenix, Arizona. PPD Detective Reed suspected Del Carpio Martinez to be illegally present in the United States and contacted the Phoenix ICE Law Enforcement Agency Response Unit for assistance. ICE Officer O. Flores telephonically interviewed Del Carpio Martinez and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Del Carpio Martinez was transported to the Phoenix ICE office for further investigation and processing. Del Carpio Martinez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed David Del Carpio Martinez to be a citizen of Mexico and a previously deported criminal alien. Del Carpio Martinez was removed from the United States to Mexico through Nogales, Arizona, on or about February 25, 2012, pursuant to an order of removal issued by an immigration official. There is no

record of Del Carpio Martinez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Del Carpio Martinez's immigration history was matched to him by electronic fingerprint comparison.

4. Furthermore, there is no record of David Del Carpio Martinez in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Del Carpio Martinez presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Del Carpio Martinez entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Del Carpio Martinez's immigration history was matched to him by electronic fingerprint comparison.
5. On October 14, 2017, David Del Carpio Martinez was advised of his constitutional rights. Del Carpio Martinez freely and willingly agreed to provide a statement under oath. Del Carpio Martinez stated that his true and complete name is "David Del Carpio MTZ," and that he is a citizen of Mexico. Del Carpio Martinez stated that he illegally entered the United States five (5) to six (6) years ago, through Sonora, without inspection by an immigration officer. Del Carpio Martinez Rodriguez further stated that he had been removed from the United States to Mexico and did not receive

permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.

6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 14, 2017, David Del Carpio Martinez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 25, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and on October 14, 2017, at or near Phoenix, in the District of Arizona, David Del Carpio Martinez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 16th day of October, 2017.



Bridget S. Bade,
United States Magistrate Judge